

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PCC STRUCTURALS, INC.
Employer

and

Case 19-RC-202188

INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE W24
Petitioner

ORDER

The Employer's request to stay the election scheduled for September 22, 2017, or, alternatively, to impound the ballots is denied.¹

PHILIP A. MISCIMARRA, CHAIRMAN

MARK GASTON PEARCE, MEMBER

MARVIN E. KAPLAN, MEMBER

Dated, Washington, D.C., September 22, 2017.

¹ This request for extraordinary relief involves application of the Board's Election Rule, with which Chairman Miscimarra continues to disagree for the reasons that he and former Member Johnson stated in their dissenting views regarding the Rule. See 79 Fed. Reg. 74308, at 174430-74460 (December 15, 2014) (dissenting views of Member Miscimarra and Member Johnson). More generally, in the instant case, Chairman Miscimarra dissents from the denial of the Employer's request to stay the election or to impound the ballots; in Chairman Miscimarra's view, the Employer's Request for Review warrants staying the election because all parties—especially employees voting in the election—should have the benefit of the Board's resolution of election-related issues before the election takes place; in the alternative, to the extent the Board does not stay the election, Chairman Miscimarra believes the circumstances warrant impounding the ballots pending the Board's resolution of election-related issues.

Member Kaplan expresses no view with respect to whether he agrees or disagrees with revisions made by the Election Rule, but he does agree that it applies here and warrants denial of the Employer's request to stay the election or to impound the ballots, without prejudice to the Board's subsequent consideration of the merits of the request for review of the Regional Director's appropriate unit determination.